



# The University of the State of New York

IN THE MATTER

OF

**NORMAN WASSERMAN**  
(Physician)

**ORIGINAL**  
**VOTE AND ORDER**  
**NO. 10417**

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Upon the application of NORMAN WASSERMAN, under Calendar No. 10417, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (February 16, 1990):** That the application of NORMAN WASSERMAN, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

**and it is**

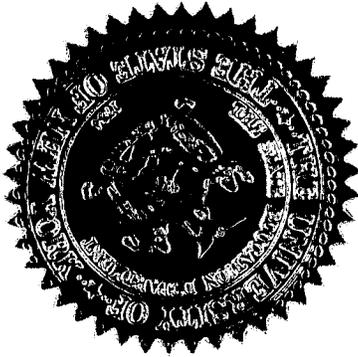
**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

**ORDERED** that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order, and it is further

**ORDERED** that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

NORMAN WASSERMAN (10417)

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 22nd day of  
February, 1990.



*Thomas Sobol*  
Commissioner of Education

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : APPLICATION  
OF : TO  
NORMAN WASSERMAN, M.D. : SURRENDER  
: LICENSE  
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STATE OF FLORIDA )  
COUNTY OF BROWARD ) ss.:

NORMAN WASSERMAN, M.D., being duly sworn, deposes and says:

That on or about August 10, 1970 I was licensed to practice as a physician in the State of New York, having been issued License No. 106861 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice medicine in the State of New York.

I understand that the New York State Board of Professional Medical Conduct has charged me with Two Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the Board of Regents for permission to surrender my license to practice as a physician in the State of

NORMAN WASSERMAN, M.D.

New York on the grounds that I admit guilt to the First Specification of Charges in full satisfaction of all the charges.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that this application is not granted by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, as set forth herein, an order of the Commissioner of Education may be issued in accordance with same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

NORMAN WASSERMAN, M.D.

*Norman Wasserman, M.D.*

NORMAN WASSERMAN, M.D.  
Respondent

Sworn to before me this  
28<sup>th</sup> day of December, 1989.

*Betty Jean Lane*  
NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA.  
MY COMMISSION EXPIRES: DEC. 7, 1991.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : APPLICATION  
OF : TO  
NORMAN WASSERMAN, M.D. : SURRENDER  
: LICENSE  
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The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

Date: 12/28/89 Norman Wasserman, M.D.  
NORMAN WASSERMAN, M.D.  
Respondent

Date: 12/28/89 David G. Venitoren  
Attorney for Respondent

Date: \_\_\_\_\_ Mark D. Keenan  
MEMBER, State Board for  
Professional Medical Conduct

Date: 1/10/90 Kathleen M. Tanner  
KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

NORMAN WASSERMAN, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date:

12/21/89

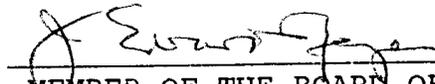


DAVID AXELROD, M.D.  
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this Application for a Consent Order, has reviewed said application and recommends to the Board of Regents that the application be granted.

Date:

Jan. 25, 1990



MEMBER OF THE BOARD OF REGENTS

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : NOTICE OF  
OF : DIRECT REFERRAL  
NORMAN WASSERMAN, M.D. : PROCEEDING

-----X

TO: NORMAN WASSERMAN, M.D.

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(m)(iv) (McKinney Supp. 1989) and N.Y. State Admin. Proc. Act §§301-307 (McKinney 1989). The proceeding will be conducted before the Regents Review Committee of the Board of Regents on the 20th day of December, 1989 at 11:00 o'clock in the forenoon of that day at One Park Avenue, 6th Floor, New York, New York 10016.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce witnesses and evidence on your behalf. However, the Regents Review Committee will

permit only such sworn testimony and documentary evidence which relates to the nature and severity of the penalty that may be imposed on you. The Regents Review Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to Regents Review Committee, c/o Division of Legal Services, Office of Professional Discipline New York State Education Department, One Park Avenue South, 6th Floor, New York, New York 10016 and the Department of Health attorney indicated below, on or before December 8, 1989 .

You may file a written answer or brief. Six copies of all papers you wish to submit must be filed with the Regents Review Committee, at the address indicated for the proceeding on or before December 8, 1989 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Regents Review Committee at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, and at least five days prior to the scheduled date. Adjournment requests are

not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The review by the Regents Review Committee shall be based upon the charges, the documentary evidence, brief and/or sworn testimony submitted by the Department of Health, and any documentary evidence, written answer, brief and/or sworn testimony you may wish to submit pursuant to the instructions set forth above.

The Regents Review Committee will submit a written report of its findings, determination as to guilt and recommendation as the measure of discipline, if any, to be imposed to the Board of Regents for its determination of this matter.

In lieu of referring this matter to the Board of Regents for its determination, the Regents Review Committee may refer this matter for further proceedings pursuant to N.Y. Pub. Health Law §230(10)(a) (McKinney Supp. 1989).

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*November 15, 1989*

*Peter D. Van Buren*

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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct

Inquiries should be addressed to: ANNA D. COLELLO  
Assistant Counsel  
(518) 473-7772

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
NORMAN WASSERMAN, M.D. : CHARGES  
-----X

1. NORMAN WASSERMAN, M.D., the Respondent, was authorized to practice medicine in New York State on August 10, 1970 by the issuance of license number 106861 by the New York State Education Department.

2. The Respondent is not currently registered with the New York State Education Department to practice medicine.

3. The Respondent herein is charged with professional misconduct within the purview of N.Y. Educ. Law §6509 (McKinney 1985 and Supp. 1989) as set forth in the attached Specifications.

FIRST SPECIFICATION

4. Respondent is charged with professional misconduct within the meaning of N.Y. Education Law §6509(5)(a)(iii) (McKinney 1985) by reason of his having been convicted of an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law, in that:

On or about June 23, 1987 Respondent was adjudicated guilty of three counts of unlawful distribution of controlled substances in violation of section 893.13(2)(a) and (b) of the Florida Statutes after a plea of nolo contendere in the Circuit Court, Seventeenth Judicial District, Broward County, Florida before Honorable Robert Carney. Respondent was sentenced to a five year probation with the following terms:

1. Respondent may not practice medicine during the time of probation or until the Court determines that he no longer poses a danger to his patients and that he is sufficiently rehabilitated.
2. Respondent's previously revoked DEA license would continue to be revoked.
3. Respondent was also required to pay \$200. to the Victim's Compensation Bureau.

Section 893.13(2)(a) and (b) of the Florida Statutes provides that it is unlawful for any person:

- a. To distribute or dispense a controlled substance in violation of the provisions of this chapter relating thereto.
- b. Any person who violates the provisions of paragraph (a) shall be guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

The conduct underlying the criminal action in Florida would likewise be a crime in New York State under N.Y. Penal Law §220.65 (McKinney 1980) which prohibits the sale of a prescription for a controlled substance. For purposes of that section to "sell" means "sell, exchange, give or dispose of to another, or to offer or agree to do the same" pursuant to N.Y. Penal Law §220(1) (McKinney 1980). The criminal sale of a prescription is a Class C felony.

#### SECOND SPECIFICATION

5. Respondent is charged with professional misconduct within the meaning of New York Education Law §6509(5)(b) (McKinney 1985) by reason of his having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would if committed in New York state, constitute professional misconduct under the laws of New York State, in that:

The Florida Board of Medicine, by Final Order filed October 23, 1987 and pursuant, in part, to a Stipulation dated August 18, 1987, reprimanded Respondent, imposed a fine of \$100.00 against Respondent and suspended his license with the requirements, inter alia, that Respondent undergo a psychiatric and physical examination, that Respondent attend continuing medical education in Category I in the amount of no less than

40 hours, that Respondent's license be suspended until such time as he can demonstrate that he can practice with reasonable skill and safety and that upon reinstatement of his license Respondent be placed on probation for a period of five years.

The conduct underlying the aforesaid disciplinary action is set forth in the stipulated facts approved August 18, 1987. Pursuant to the Stipulation accepted by the Board, Respondent neither admitted nor denied the facts in the Complaint but did admit that he entered a plea in the court for the Seventeenth Judicial District, to the offense of unlawful possession of a controlled substance in violation of Chapter 893, Florida Statutes. Respondent further admitted that he, therefore, has been convicted of a crime related to the practice of medicine or the ability to practice medicine.

This conduct would be professional misconduct if it had been committed in New York in that it violates N.Y. Educ. Law §6509(5)(a)(iii) (McKinney 1985) and N.Y. Penal Law §220.65 (McKinney 1980).

DATED: Albany, New York  
*November 15, 1989*

*Peter D. Van Buren*

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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct